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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR  | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|-----------------------|---------------------|------------------|
| 10/722,183      | 11/24/2003  | Robert Stanley Kolman | 10030573-1          | 7018             |

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AGILENT TECHNOLOGIES, INC.  
Legal Department, DL429  
Intellectual Property Administration  
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Loveland, CO 80537-0599

EXAMINER

LE, TOAN M

ART UNIT PAPER NUMBER

2863

DATE MAILED: 12/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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|                              |                               |                               |  |
|------------------------------|-------------------------------|-------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>10/722,183 | Applicant(s)<br>KOLMAN ET AL. |  |
|                              | Examiner<br>Toan M. Le        | Art Unit<br>2863              |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 September 2005.
- 2a) ☒ This action is FINAL.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-16, 19 and 20 is/are rejected.
- 7) ☒ Claim(s) 8, 9, 17 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)     | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Oath/Declaration*

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because: on page 2, there is a space in inventor's name. Please see the attachment.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7, 10-16, and 19-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Colby et al. (US Patent No. 6,622,271).

Referring to claim 1, Colby et al. disclose an apparatus, comprising:

computer readable media; and

program code, stored on the computer readable media (figures 1A and 1B), comprising:

code to define a user interface 72 (figure 1A) (col. 4, lines 41-48);

code to detect invalid test definition data in. user input and, upon detection of invalid test definition data, prompt a user to select a valid data option from a set of valid data options; said prompting being undertaken through the user interface (col. 4, lines 54-67 to col. 5, lines 1-4; col. 11, lines 45-57; col. 12, lines 20-29); and

code to receive a valid data option selected through the user interface, and to update the invalid test definition data with the valid data option (col. 11, lines 52-57).

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As to claim 2, Colby et al. disclose an apparatus, wherein the program code further comprises code to compile the set of valid data options based on a context of the invalid test definition data (col. 5, lines 44-48; figure 1B).

Referring to claim 3, Colby et al. disclose an apparatus, wherein the program code to compile the set of valid data options uses the context of the invalid test definition data to index a table of valid data options (col. 10, lines 22-41).

As to claim 4, Colby et al. disclose an apparatus, wherein the program code further comprises code to parse the user input and log valid data options into said table (col. 9, lines 11-31).

Referring to claim 5, Colby et al. disclose an apparatus, wherein said context comprises a data type (col. 11, lines 5-25).

As to claim 6, Colby et al. disclose an apparatus, wherein at least some of said user input is received through said user interface (figures 1A and 1B).

Referring to claim 7, Colby et al. disclose an apparatus, wherein at least some of said user input is contained in a test definition file (col. 6, lines 19-39; col. 11, lines 58-67 to col. 12, lines 1-2).

As to claim 10, Colby et al. disclose an apparatus, wherein the user interface comprises code to configure how the set of valid data options is displayed through the user interface (figures 4-5; col. 11, lines 5-25).

Referring to claim 11, Colby et al. disclose an apparatus, wherein the user interface comprises code to define an input area to receive a specification for invalid test definition data that has been detected as invalid because it lacks a specification to make it valid (col. 12, lines 20-29).

As to claim 12, Colby et al. disclose an apparatus, wherein said input area to receive a specification for invalid test definition data is configured to receive a data type (col. 12, lines 20-29).

Referring to claim 13, Colby et al. disclose an apparatus, wherein the set of valid data options comprises a single valid data option that is replaceable by the user (col. 8, lines 60-67 to col. 9, lines 1-10).

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As to claim 14, Colby et al. disclose a computer-based method, comprising:

parsing user input to detect invalid test definition data in the user input; upon detecting invalid test definition data, prompting a user to select a valid data option from a set of valid data options (col. 4, lines 54-67 to col. 5, lines 1-4; col. 11, lines 45-57; col. 12, lines 20-29);

upon receiving a valid data option selected from the set of valid data options, updating the invalid test definition data with the valid data option (col. 11, lines 55-57); and

generating circuit test data structures to control an automated circuit tester (figures 1A, 1B, 4-5).

Referring to claim 15, Colby et al. disclose a computer-based method, wherein parsing user input comprises parsing a test definition file (col. 6, lines 19-39; col. 11, lines 58-67 to col. 12, lines 1-2).

As to claim 16, Colby et al. disclose a computer-based method, further comprising compiling the set of valid data options based on a context of the invalid data (col. 5, lines 44-48).

As to claim 19, Colby et al. disclose a computer-based method, comprising:

parsing source code for generating circuit test data structures, to identify type name definitions and enumeration constant definitions contained in said source code (figures 4-5; col. 10, lines 34-41);

generating a string table from said type name and enumeration constant definitions (figures 4-5; col. 10, lines 34-41); and

linking said string table to an input validation and error messaging portion of said source code to i) cause said source code to index said string table upon detection of invalid test definition data in user input (col. 10, lines 22-41), and then ii) cause a set of valid data options retrieved from said string table to be displayed to a user for user selection (col. 8, lines 1-10; figures 4-5).

Referring to claim 20, Colby et al. disclose a computer-based method, wherein said index into said string table comprises a context of said invalid test definition data (col. 5, lines 44-48).

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Claims 8-9 and 17-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The reason for allowance of the claims 8-9 and 17-18 is the inclusion of the code that prompt a user to select a valid data option causes the set of valid data options to be displayed through the user interface in alphabetic order and in order of highest likelihood of correctness.

### *Response to Arguments*

Applicant's arguments filed 9/29/05 have been fully considered but they are not persuasive.

Referring to claims 1 and 14, Applicant argues that "Although the emphasized portions of Colby's teaching indicate that Colby enables a user to dynamically change the value of an incorrect variable, this does not suggest that a user is prompted to select a valid data option, as is set forth in applicant's claim 1."

Colby discloses "If a problem is detected, then a warning message is provided to the operator, so that appropriate adjustments can be made to the test definition 73. After any appropriate adjustments are made, the resulting test definition 73 is stored in each of the testers 17 and 18, in particular at 107 and 207, respectively." (col. 11, lines 52-57)

Thus, Colby inherently suggests that a user is prompted to select a valid data option.

As to claim 19, Applicant argues that "Similarly to Colby's failure to teach 'prompting' a user with valid data options, Colby also fails to 'display' valid data options for user selection."

Colby discloses "The testing system 10 of FIG. 1 operates as follows. In advance of any testing, an operator at the workstation 16 uses the test definition generator 71 to generate a test definition 73 for the device 12, based on information from the device design data 46-48 and/or the cell data 41. The resulting test definition 73 is checked by the rules checker program 76, in order to be certain that it is compatible with the capabilities of both the tester 17 and the tester 18. If a problem is detected, then a warning message is provided to the operator, so that appropriate adjustments can be made to the test definition 73. After any appropriate

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adjustments are made, the resulting test definition 73 is stored in each of the testers 17 and 18, in particular at 107 and 207, respectively.” (col. 11, lines 45-57) And that “As to the graphical user interface program 237 of tester 18, the object code will be different from that of the interface program 137 of tester 17. However, in the disclosed embodiment, the interface programs 137 and 237 each provide substantially identical user interfaces to an operator. In other words, an operator using either of the testers 17 and 18 sees, on each display 111 or 211, similar or identical screens which present similar or identical options, and the operator selects among those options using a keyboard or mouse in a similar manner,” (col. 8, lines 1-10)

Therefore, Colby inherently teaches prompting a user with valid data options and display valid data options for user selection.

### *Conclusion*

### **THIS ACTION IS MADE FINAL.**

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan M. Le whose telephone number is (571) 272-2276. The examiner can normally be reached on Monday through Friday from 9:00 A.M. to 5:30 P.M..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Toan Le

November 30, 2005

**BRYAN BUI**  
**PRIMARY EXAMINER**

A handwritten signature in black ink, appearing to read 'Bryan Bui', is written over the printed name and title.